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John R. Burke  
President

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Dockets Management Branch (HFA-305)  
U. S. Food and Drug Administration  
5630 Fishers Lane  
Room 1061  
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**RE: Docket No. 01D-0583**

On behalf of the members of the Foodservice & Packaging Institute, Inc., the trade association for manufacturers and suppliers of single-use foodservice packaging, I am writing to congratulate the Agency on its issuance of the "Food Security Preventive Measures Guidance" for food manufacturers and foodservice establishments. We found the document to be logical, common sense guidance for the industry, and we applaud the effort.

I am happy to report, that even though the document was not addressed to our industry directly, but to our customers, a good majority of the companies in our industry that follow "good manufacturing practices" are already substantially in compliance with the guidelines.

There is one issue that was mentioned in the Agency's *Federal Register* notice on the Guidance on which we wish to comment: that of standardization of tamper evidence for packaging.

We think that it is important for the Agency to remember that our form of food packaging, single-use foodservice packaging, normally is used only for a brief time... the 15 or 20 minutes between the purchase and consumption of the food or beverage placed in the packaging. Cups, plates, bowls, wraps, bags, sandwich or French fry containers, etc., the typical applications for our packaging, are not "sealed" in the same sense that retail food packaging is. Also, our packaging is usually handled by foodservice workers before being handed over to consumers, so any alteration or damage to these packages is usually noted before they get to the consumer.

01D-0583

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Comments of the Foodservice & Packaging Institute, Inc.

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Even in a use like egg cartons, producers open the cartons to place the eggs in them prior to shipping, and consumers usually open the cartons in the store to inspect the eggs prior to purchase. If something is amiss with the packaging, consumers notice.

Because of these reasons, most single-use foodservice packaging products do not lend themselves to standardization for tamper evidence.

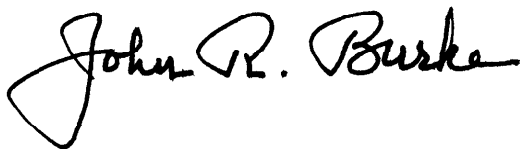
And as for packaging in general, the Agency should not implement tamper evidence requirements that would stifle innovation in packaging. In fact, when it comes to tamper evidence, the Agency should encourage manufacturers to develop packages that change and are constantly being improved. Why? Because the vulnerable package is one with a standardized tamper evidence feature, one that a terrorist can figure a way to get around, not one that is constantly being changed and improved.

However, where there might be opportunity for tamper evidence is in distribution packaging, i.e. shipping cartons. Here, most of our customers already require taping and other adhesive closing strips that give evidence to tampering, and, even if customers don't require it, our manufacturers apply these devices to prevent theft and damage to their finished goods. So, once again our manufacturers are already complying with customer calls for tamper evident distribution packaging, and have been making use of these precautions for some time.

In closing, I wish to again compliment the Agency on the work it has done with the "Food Security Preventive Measures Guidance". Should you proceed with further work on the Guidance, especially if it involves packaging applications, please do not hesitate to call on the Foodservice & Packaging Institute. Our companies have some of the country's most knowledgeable and experienced experts on packaging, and not just single-use foodservice packaging. I am sure they would welcome the opportunity to be of service to the Agency in this time of national need.

Thank you for your time, and for your consideration of these remarks.

Sincerely,

A handwritten signature in black ink that reads "John R. Burke". The signature is written in a cursive, flowing style with a large, stylized initial 'J'.